

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALEX DELGADO,  
Petitioner,

v.

KATHLEEN M. DENNEHY,  
COMMISSIONER OF CORRECTION,  
Respondent.

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Civil Action No. 04-30124-MAP

**ASSENTED TO MOTION OF THE RESPONDENT TO REVISE THE DEADLINES  
FOR FILING MEMORANDA UNDER THE SCHEDULING ORDER**

The respondent respectfully moves this Court to revise the Scheduling Order of June 7, 2005, by enlarging the time for the respondent to file a dispositive motion and supporting memorandum to August 18, 2006; enlarging the time for the petitioner to file a memorandum in opposition to the motion to September 18, 2006; with a hearing held thereafter at a time convenient to the Court.

In support thereof, the respondent's attorney states that she has numerous upcoming litigation responsibilities in the coming weeks that would hamper or preclude the timely filing of a memorandum under the Scheduling Order. These include: researching and drafting briefs in two appeals pending in the United States Court of Appeals for the First Circuit, Josselyn v. Dennehy, NO. 05-2405 and Hyde v. State of Massachusetts, No. 06-1777; researching and drafting a brief for the Massachusetts Appeals Court, Commonwealth v. Alvarez, MAC No. 2005-P-1374; preparing for a merits hearing in a federal habeas petition, Quinerly v. Spencer, USDC No. 03-cv-12552-GAO; filing dispositive motions and/or memoranda of law on the merits in four federal habeas cases,

Lepper v. Russo, USDC No. 04-11879-MLW, Stroyny v. Hall, USDC No. 03-10122-RWZ  
Duquay v. Spencer, USDC No. 03-11575-MLW, Silfredo Ali v. O'Brien, Civil Action No.  
04-30005-KPN; and preparing for a hearing on a motion to dismiss in Carter v. Coakley,  
Middlesex Superior Court Civil Action No. 2005-00456.

The petitioner's counsel has assented to the proposed enlargement of the deadlines.

In addition, the undersigned attorney will be out of state in early July on a long-planned family vacation.

WHEREFOR, for the above-stated reasons, the respondent respectfully moves that the time for the respondent to file a dispositive motion and supporting memorandum be enlarged to August 18, 2006 and time for the petitioner to file a memorandum in opposition be enlarged to September 18, 2006, and argument on the motion held thereafter at a time convenient to the Court.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Annette C. Benedetto  
Annette C. Benedetto  
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**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she spoke with petitioner's counsel, John Thompson, on June 8, 2006, and he assented to the enlargements sought by the motion.

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

June 9, 2006

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General